

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22352 of 2020

Arising Out of PS. Case No.-167 Year-2019 Thana- BAHERI District- Darbhanga

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LALIT KUMAR @ LALIT KUMAR YADAV, Son of Rambaran Yadav
Resident of Village - J.N. Path Ward No. 11, Forbesganj, Near Station Chowk,
P.O. and P.S.- Forbesganj, District - Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Poonam Kumari, Daughter of Gaya Ram Yadav Resident of Village -
Bandihuli, P.S.- Baheri, District - Darbhanga.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Shahnawaz Ali
For the Opposite Party/s : Mr. Vinay Kumar Mishra
Mr. Vinod Shanker Modi

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

12 18-01-2022 Heard Md. Shahnawaz Ali, learned Advocate for

the petitioner and Mr. Vinay Kumar Mishra, learned

counsel for the opposite party no. 2.

The petitioner seeks bail in anticipation of his

arrest in connection with Baheri P. S. Case No. 167 of



2019, instituted for the offences under Section 498A of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

By order dated 7th of January 2021, the matter was referred to the Mediation Centre of Patna High Court. However, as ill luck would have it, the mediation proceeding could not commence because of the Corona Pandemic.

On 11th of January 2022, Mr. Shahnawaz Ali, learned Advocate for the petitioner had stated that in the event of the mediation proceeding not having commenced, he would be ready for negotiating with his wife/opposite party no. 2, either for resumption of matrimonial life or for a one time settlement, whichever is agreeable to her, before the Court below.

Mr. Vinay Kumar Mishra, learned Advocate for the opposite party no. 2 wanted to seek instructions in the matter.

Today, Mr. Shahanawaz has repeated his stand



that he is ready to undergo negotiations for an effective settlement of matrimonial disputes.

Mr. Mishra, however, has informed this Court that his client is not ready for an one time settlement; rather she wants resumption of matrimonial life.

The learned Counsel for the petitioner does not have any objection to the same provided the mutually agreeable modalities are formulated. For the aforesaid purpose, it is his submission that the matter be sent to the Court below where the issues between the spouses will be thrashed out and a conclusive order would be passed.

Considering the submissions of the counsel for the parties, this Court deems it appropriate to refer the matter to the Court below.

The records of this case is recalled from the Mediation Center of Patna High Court.

In the event of the petitioner surrendering before the Court below within a period of six weeks, he



shall be released on provisional bail on his furnishing bonds in the sum of Rs. 10,000/- with two sureties of like amount to the satisfaction of the concerned Court.

Simultaneously, notice shall be issued to opposite party no. 2. On her appearance, the Court shall provide ample opportunity to the spouses to sit across the table and discuss the matrimonial dispute amongst each other for effective resolution.

In case the dispute is settled and modalities are formulated which would be on mutual agreed terms, the provisional bail granted to the petitioner shall be confirmed.

If for any reason, the settlement is not arrived at, the law shall take its own course but the Court below, before passing any order towards finally concluding the case shall take into account the respective stand of the parties and would assess whether they have taken a reasonable stand. That shall be also one of the considerations for passing a final order in the bail



petition.

The petition stands disposed off accordingly.

It is expected that the entire process would be concluded within a period of three months from the date of surrender of the petitioner before the Court below.

(Ashutosh Kumar, J)

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